

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	21-CR-446 (VSB)
ANDREW FRANZONE	:	
	:	<u>ORDER</u>
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

The parties appeared before me on September 12, 2022 for oral arguments regarding Defendant's motion to suppress. (Doc. 32.) During arguments, I indicated that I would request supplemental information and briefing from parties. It is hereby

ORDERED that the Government should submit the following supplemental affidavits by September 30, 2022:

1. An affidavit (or affidavits) from one or more member of the prosecution team listing the investigative steps taken in the period of time between Mr. Franzone's arrest on April 22, 2021 and request for the second search warrant (dated May 21, 2021).
2. An affidavit (or affidavits) from United States Postal Inspector Gannon and other law enforcement officers working on this investigation regarding:
 - a. Agents' communications with staff at the Westin Hotel related to Mr. Franzone's arrest and Mr. Franzone's belongings.
 - b. Confirmation that there was no removal of items from Mr. Franzone's room between Mr. Franzone's arrest on April 22, 2021 and the attempted execution of

the “Hotel Room Search Warrant” on May 1, 2021 by the United States Postal Inspection Service.

- c. Description of circumstances of arrest, specifying:
 - i. Location of the Apple MacBook Pro Laptop (Device 1) and Apple iPhone 11 (Device 2) in relation to Mr. Franzone at the time law enforcement officers saw him at the W Hotel.
 - ii. Whether the Apple iPhone 11 (Device 2) was physically on Mr. Franzone at the time of the arrest.
 - iii. Procedure and process that agents used to identify the Apple MacBook Pro Laptop and iPhone 11 as Mr. Franzone’s devices.

IT IS FURTHER ORDERED that following the Government’s filing of the supplemental affidavits, Defendant may file a response no longer than 10 pages in support of their motion to suppress by October 7, 2022.

SO ORDERED.

Dated: September 15, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", with a stylized flourish at the end.

Vernon S. Broderick
United States District Judge